
  
**FEDERAL REGISTER**  
 OF THE UNITED STATES  
 1934  
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*Washington, Tuesday, August 13, 1940*

**The President**

**CANADA—SUSPENSION OF TONNAGE DUTIES  
BY THE PRESIDENT OF THE UNITED STATES  
OF AMERICA**

**A PROCLAMATION**

WHEREAS section 4228 of the Revised Statutes of the United States, as amended by act of July 24, 1897, c. 13, 30 Stat. 214 (U.S.C., title 46, sec. 141), provides, in part, as follows:

"Upon satisfactory proof being given to the President, by the government of any foreign nation, that no discriminating duties of tonnage or imposts are imposed or levied in the ports of such nation upon vessels wholly belonging to citizens of the United States, or upon the produce, manufactures, or merchandise imported in the same from the United States or from any foreign country, the President may issue his proclamation, declaring that the foreign discriminating duties of tonnage and impost within the United States are suspended and discontinued, so far as respects the vessels of such foreign nation, and the produce, manufactures, or merchandise imported into the United States from such foreign nation, or from any other foreign country; the suspension to take effect from the time of such notification being given to the President, and to continue so long as the reciprocal exemption of vessels, belonging to citizens of the United States, and their cargoes, shall be continued, and no longer . . ."

WHEREAS, satisfactory proof was received by me from the Government of Canada that no discriminating duties of tonnage or imposts are imposed or levied in the ports of Canada upon vessels wholly belonging to citizens of the United States, or upon the produce, manufactures, or merchandise imported in such vessels, from the United States, or from any foreign country;

NOW, THEREFORE, I, Franklin D. Roosevelt, President of the United States of America, by virtue of the authority vested in me by the above-quoted statu-

tory provisions, do hereby declare and proclaim that the foreign discriminating duties of tonnage and imposts within the United States are suspended and discontinued so far as respects the vessels of Canada and the produce, manufactures, or merchandise imported in said vessels into the United States from Canada or from any other foreign country; the suspension to take effect from the date of this proclamation, and to continue so long as the reciprocal exemption of vessels belonging to citizens of the United States and their cargoes shall be continued, and no longer.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 8th day of August in the year of our Lord nineteen hundred and forty, and [SEAL] of the Independence of the United States of America the one hundred and sixty-fifth.

FRANKLIN D ROOSEVELT

By the President:

SUMNER WELLES,  
*Acting Secretary of State.*

[No. 2419]

[F. R. Doc. 40-3356; Filed, August 12, 1940;  
10:52 a. m.]

**AMENDMENTS OF REGULATIONS RELATING  
TO MIGRATORY BIRDS**

**BY THE PRESIDENT OF THE UNITED STATES  
OF AMERICA**

**A PROCLAMATION**

WHEREAS the Secretary of the Interior, under authority and direction of and in compliance with section 3 of the Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755), as amended by the act of June 20, 1936, 49 Stat. 1555, the administration of which act was transferred to the said Secretary on July 1, 1939 by Reorganization Plan No. II<sup>1</sup> (53 Stat. 1431), has adopted and submitted to me the following amendments, which he has de-

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terminated to be suitable amendments of certain of the regulations approved by Proclamation No. 2345<sup>2</sup> of August 11, 1939, as amended by Proclamation No. 2367<sup>3</sup> of September 28, 1939, permitting and governing the hunting, taking, capture, killing, possession, sale, purchase, shipment, transportation, carriage, exportation, and importation of migratory birds and parts, nests, and eggs thereof, included in the terms of the Convention between the United States and Great Britain for the protection of migratory birds concluded August 16, 1916, and the Convention between the United States and the United Mexican States for the protection of migratory birds and game mammals concluded February 7, 1936:

*Amendments of Migratory Bird Treaty Act Regulations Adopted by the Secretary of the Interior*

Under authority and direction of section 3 of the Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755), as amended by the act of June 20, 1936, 49 Stat. 1555, the administration of which act was transferred to the Secretary of the Interior on July 1, 1933 by Reorganization Plan No. II (53 Stat. 1431), I, Harold L. Ickes, Secretary of the Interior, having due regard to the zones of temperature and to the distribution, abundance, economic value, breeding habits, and times and lines of migratory flight of migratory birds included in the terms of the Convention between the United States and Great Britain for the protection of migratory birds, concluded August 16, 1916, and the Convention between the United States and the United Mexican States for the protection of migratory birds and game mammals, concluded

February 7, 1936, have determined when, to what extent, and by what means it is compatible with the terms of said conventions and act to allow the hunting, taking, capture, killing, possession, sale, purchase, shipment, transportation, carriage, exportation, and importation of such birds and parts thereof and their nests and eggs, and, in accordance with such determinations, do hereby amend, as specified, the regulations approved by Proclamation No. 2345 of August 11, 1939, as amended by Proclamation No. 2367 of September 28, 1939, and as so amended do hereby adopt such regulations as suitable regulations permitting and governing the hunting, taking, capture, killing, possession, sale, purchase, shipment, transportation, carriage, exportation, and importation of such migratory birds and parts, nests, and eggs thereof:

Regulation 2, "Definition of Terms", is amended to read as follows:

*Regulation 2—Definition of Terms*

For the purposes of these regulations, the following terms shall be construed, respectively, to mean and to include—

*Secretary.* Secretary of the Interior of the United States.

*Director.* Director, Fish and Wildlife Service, United States Department of the Interior.

*Regional Director.* Regional Director, Fish and Wildlife Service, United States Department of the Interior.

*Person.* Individual, club, association, partnership, or corporation, any one or all, as the context requires.

*Take.* Hunt, kill, or capture, or attempt to hunt, kill, or capture.

*Open season.* Time during which migratory game birds may be taken.

*Transport.* Ship, carry, export, import, and receive or deliver for shipment, conveyance, carriage, exportation, or importation.

Regulation 4, "Open Seasons on and Possession of Certain Migratory Game Birds", is amended to read as follows:

*Regulation 4—Open Seasons On and Possession of Certain Migratory Game Birds*

Waterfowl (except snow geese and brants in States bordering on the Atlantic Ocean; Ross' geese, wood ducks, and swans), and coots, may be taken each day from sunrise to 4 p. m., and rails and gallinules (other than coots), Wilson's snipes or jacksnipes, woodcocks, mourning or turtle doves, white-winged doves, and band-tailed pigeons from sunrise to sunset each day during the open seasons prescribed therefor in this regulation, and they may be taken by the means and in the numbers permitted by regulations 3 and 5 of these regulations, respectively, and when so taken may be possessed in the numbers permitted by regulation 5 any day in any State or Territory or in the District of Columbia during the period constituting the open season where taken and for an additional period of 20 days next succeeding said open season,

<sup>2</sup> 4 F.R. 3621.

<sup>3</sup> 4 F.R. 4107.

but no such bird shall be possessed in a State or Territory or in the District of Columbia at a time when such State, Territory, or District prohibits the possession thereof. Nothing herein shall be deemed to permit the taking of migratory birds on any reservation or sanctuary established under the Migratory Bird Conservation Act of February 18, 1929 (45 Stat. 1222), nor on any area of the United States set aside under any other law, proclamation, or Executive order for use as a bird, game, or other wildlife reservation, breeding ground, or refuge except insofar as may be permitted by the Secretary of the Interior under existing law, nor on any area adjacent to any such refuge when such area is designated as a closed area under the Migratory Bird Treaty Act.

*Waterfowl, Wilson's snipe or jacksnipe, and coot.* The open seasons on waterfowl (except snow geese and brant in States bordering on the Atlantic Ocean; Ross' goose, wood duck, and swans), Wilson's snipe or jacksnipe, and coot, in the several States and Alaska, shall be as follows, both dates inclusive:

In Maine, Michigan, Minnesota, Montana, New Hampshire, North Dakota, South Dakota, Wisconsin, and Wyoming, October 1 to November 29.

In California, Colorado, Connecticut, Delaware, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Massachusetts, Missouri, Nebraska, Nevada, New Jersey, New Mexico, New York, including Long Island, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, Utah, Vermont, Washington, and West Virginia, October 16 to December 14.

In Alabama, Arizona, Arkansas, Florida, Georgia, Louisiana, Maryland, Mississippi, North Carolina, South Carolina, Tennessee, Texas, and Virginia, November 2 to December 31.

In Fur Districts 1 and 3 in Alaska, as defined in the regulations governing the taking of game in Alaska adopted June 8, 1940 (5 F.R. 2288), October 1 to November 29; and in the remainder of Alaska, September 1 to October 30: *Provided*, That scoters, locally known as sea coots, may be taken in open coastal waters only, beyond outer harbor lines, in Maine and New Hampshire from September 15 to September 30, and in Massachusetts, New York, including Long Island, and Rhode Island, from September 15 to October 15, and thereafter from land or water during the open seasons for other waterfowl in these States.

*Rails and gallinules (except coot).* The open season on rails and gallinules (except coot) shall be from September 1 to November 30, both dates inclusive, except as follows:

Alabama, November 20 to January 31. Louisiana, November 1 to January 31.

Massachusetts, New York, including Long Island, and Washington, October 16 to December 14.

Minnesota, September 16 to November 30.

Wisconsin, October 1 to November 29. District of Columbia, no open season. *Woodcock.* The open seasons on woodcock shall be as follows, both dates inclusive:

That part of New York lying north of the tracks of the main line of the New York Central Railroad extending from Buffalo to Albany and north of the tracks of the main line of the Boston & Albany Railroad extending from Albany to the Massachusetts State line, and in New Hampshire, North Dakota, and Wisconsin, October 1 to October 15.

That part of New York lying south of the line above described and in Indiana, and Iowa, October 15 to October 29.

That part of New York known as Long Island, November 1 to November 15.

Arkansas, Kentucky, and Oklahoma, December 1 to December 15.

Connecticut, October 25 to November 8.

Delaware, and Maryland, November 15 to November 29.

Louisiana, and Mississippi, December 15 to December 29.

Maine, October 10 to October 24.

Massachusetts, October 20 to November 3.

Michigan, in Upper Peninsula, October 1 to October 15; in remainder of State, October 15 to October 29.

Minnesota, September 16 to September 30.

Missouri, November 10 to November 24.

New Jersey, and Rhode Island, November 1 to November 15.

Ohio, October 10 to October 24.

Pennsylvania, October 16 to October 30.

Vermont, and West Virginia, October 17 to October 31.

Virginia, November 20 to December 4.

*Mourning or turtle dove.* The open seasons on mourning or turtle dove shall be as follows, both dates inclusive:

Alabama, north of United States Highway No. 80, October 1 to October 31 and December 20 to January 31; south of said highway, November 20 to January 31.

Georgia, in Troup, Meriwether, Pike, Lamar, Monroe, Jones, Baldwin, Washington, Jefferson, and Burke Counties, and all counties north thereof, October 1 to October 31 and December 20 to January 31; in remainder of State, November 20 to January 31.

Mississippi, October 1 to October 15 and December 1 to January 31.

South Carolina, in Oconee, Pickens, Greenville, Spartanburg, Cherokee, York, Chester, Fairfield, Union, Laurens, Anderson, Abbeville, Greenwood, McCormick, Edgefield, and Aiken Counties, September 15 to October 15 and December

20 to January 31; in remainder of State, November 20 to January 31.

Arizona, California, Idaho, Kansas, Missouri, Nevada, New Mexico, and Oklahoma, September 1 to November 15.

Arkansas, Delaware, North Carolina, and Tennessee, September 15 to November 30.

Florida (except in Dade, Broward, and Monroe Counties), November 20 to January 31.

That part of Florida comprising Dade, Broward, and Monroe Counties, October 1 to November 15.

Illinois, September 1 to September 30. Kentucky, September 1 to October 31. Louisiana, December 1 to January 31. Maryland, September 1 to September 30 and November 15 to December 31.

Minnesota, September 16 to September 30.

Texas, in Yoakum, Terry, Lynn, Garza, Kent, Stonewall, Haskell, Throckmorton, Young, Jack, Wise, Denton, Collin, and Hunt Counties, and all counties north thereof, and in Parker, Tarrant, Dallas, Rockwall, Kaufman, Johnson, Hopkins, Delta, Franklin, and Ellis Counties, September 1 to October 31; in remainder of State, September 15 to November 15.

Virginia, September 1 to September 30 and November 20 to December 31.

*White-winged dove.* The open seasons on white-winged dove shall be as follows, both dates inclusive:

Arizona, August 16 to September 15.

Texas, in Yoakum, Terry, Lynn, Garza, Kent, Stonewall, Haskell, Throckmorton, Young, Jack, Wise, Denton, Collin, and Hunt Counties, and all counties north thereof, and in Parker, Tarrant, Dallas, Rockwall, Kaufman, Johnson, Hopkins, Delta, Franklin, and Ellis Counties, September 1 to October 31; in remainder of State, September 15 to November 15.

*Band-tailed pigeon.* The open seasons on band-tailed pigeon shall be as follows, both dates inclusive:

Arizona, New Mexico, and Washington, September 16 to September 30.

California, December 1 to December 15.

Oregon, September 1 to September 15.

Regulation 5, "Daily Bag and Possession Limits on Certain Migratory Game Birds", is amended to read as follows:

#### Regulation 5—*Daily Bag and Possession Limits on Certain Migratory Game Birds*

A person may take in any one day during the open seasons prescribed therefor in regulation 4 of these regulations not to exceed the following numbers of migratory game birds, which numbers shall include all birds taken by any other person who for hire accompanies or assists him in taking such birds; and when so taken these may be possessed in the numbers specified as follows:

*Ducks (except wood duck).* Ten in the aggregate of all kinds, of which not more than 3 of any one, or more than 3

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in the aggregate, may be of the following species—canvasback, redhead, bufflehead, and ruddy duck; and any person at any one time may possess not more than 20 ducks in the aggregate of all kinds, of which not more than 6 of any one, or more than 6 in the aggregate, may be of the following species—canvasback, redhead, bufflehead, and ruddy duck.

*Geese and brant (except snow geese and brant in States bordering on the Atlantic Ocean; and Ross' goose).* Three in the aggregate of all kinds, and any person at any one time may possess not more than 6 in the aggregate of all kinds.

*Rails and gallinules (except sora and coot).* Fifteen in the aggregate of all kinds, and any person at any one time may possess not more than 15 in the aggregate of all kinds.

*Sora.* Fifteen, and any person at any one time may possess not more than 15.

*Coot.* Twenty-five, and any person at any one time may possess not more than 25.

*Wilson's snipe or jacksnipe.* Fifteen, and any person at any one time may possess not more than 15.

*Woodcock.* Four, and any person at any one time may possess not more than 8.

*Mourning or turtle dove and white-winged dove.* Twelve in the aggregate of both kinds, and any person at any one time may possess not more than 12 in the aggregate of both kinds.

*Band-tailed pigeon.* Ten, and any person at any one time may possess not more than 10.

The possession limits hereinbefore prescribed shall apply as well to ducks, geese, brant, rails, including coots and gallinules, Wilson's snipes or jacksnipes, woodcocks, mourning or turtle doves, white-winged doves, and band-tailed pigeons taken in Canada, Mexico, or other foreign country and brought into the United States, as to those taken in the United States.

Regulation 6, "Shipment, Transportation, and Possession of Certain Migratory Game Birds", is amended by striking out the figure "10" wherever it occurs in the said regulation and by inserting in lieu thereof the figure "20".

Regulation 8, "Permits to Propagate Migratory Waterfowl", and Regulation 9, "Permits to Collect Migratory Birds for Scientific Purposes", are amended by striking out the words "Chief of the Bureau" wherever they occur in the said regulations and by inserting in lieu thereof the word "Director".

Regulation 10, "Permits to Kill Migratory Birds Injurious to Property", is amended to read as follows:

**Regulation 10—Permits to Kill Migratory Birds Injurious to Property**

*Community injury.* When information is furnished the Secretary that any

species or migratory bird has become, under extraordinary conditions, seriously injurious to agriculture or other interests in any particular community, an investigation will be made to determine the nature and extent of the injury, whether the birds alleged to be doing the damage should be killed, and, if so, during what times and by what means. Upon his determination an appropriate order will be made.

*Specific injury.* Upon receipt by the Director, or the Regional Director in the region where the injury occurs, of information from the owner, tenant, or share cropper that migratory birds are injuring his crops or other property on the land on which he resides, together with a statement of the location of the land, the nature of the crops or property being injured, the extent of such injury, and the particular species of birds committing the injury, an investigation will be made, and if it is determined from such investigation that the injury complained of is substantial and can be abated only by killing the birds, or some of them, a permit to kill the birds will be issued by the Director or by the Regional Director if authorized by the Director, in which permit will be specified the time during which, the means and methods by which, and the person or persons by whom the birds may be killed, and the disposition to be made of the birds so killed, and such other restrictions as may be deemed necessary and appropriate in the circumstances of the particular case: *Provided, however,* That in every permit issued as aforesaid, it shall be specified that no such birds shall be shot at or killed at any time or in any manner not authorized by the laws of the State in which such permit is effective; and as to migratory waterfowl, that they shall not be shot at or killed (1) from any blind, sink, pit, or any other device or means of concealment, natural or artificial, movable or stationary, whether on land or water; (2) by means of any gun larger than No.-10 gauge, or of any gun to which a silencer has been attached or otherwise affixed; and (3) by the use of decoys of any description, or of traps or nets of any kind.

Every person exercising any privilege provided for in this regulation shall keep an accurate record of all migratory birds killed by him and whenever requested by the Director or by the Regional Director shall submit promptly, on a form provided by the Fish and Wildlife Service for the purpose, a report correctly stating the species and the number of each species of migratory birds killed by him and in any event shall submit such report to the Regional Director on or before January 10 of each year. Failure to submit a report as required by this regulation will be sufficient cause for revocation of the permit or withdrawal of any privilege accorded any person failing to make the report.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and caused the seal of the Department of the Interior to be affixed, this second day of August, 1940.

HAROLD L. ICKES,  
*Secretary of the Interior.*

AND WHEREAS upon consideration it appears that approval of the foregoing amendments will effectuate the purposes of the aforesaid Migratory Bird Treaty Act;

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, do hereby approve and proclaim the foregoing amendments.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this ninth day of August, in the year of our Lord nineteen hundred and [SEAL] forty, and of the Independence of the United States of America the one hundred and sixty-fifth.

FRANKLIN D ROOSEVELT  
By the President  
SUMNER WELLES,  
*Acting Secretary of State.*

[No. 2420]

[F. R. Doc. 40-3357; Filed, August 12, 1940;  
10:52 a. m.]

**EXECUTIVE ORDER**

**EXCLUDING CERTAIN TRACTS OF LAND FROM THE CHUGACH AND TONGASS NATIONAL FORESTS AND RESTORING THEM TO ENTRY**

**ALASKA**

By virtue of and pursuant to the authority vested in me by the act of June 4, 1897, 30 Stat. 11, 36 (U.S.C., title 16, sec. 473), and upon the recommendation of the Secretary of Agriculture, it is ordered that the following-described tracts of land in Alaska, occupied as homesites and identified by elimination surveys, plats and field notes of which are on file in the General Land Office, Washington, D. C., be, and they are hereby, excluded from the Chugach or Tongass National Forest, as hereinafter indicated, and restored to entry under the applicable public-land laws:

**Chugach National Forest**

Homesite No. 7, on Big Point on south shore of Orca Inlet, 4.86 acres; approximate latitude 60°29'15" N., longitude 145°55'30" W.;

Homesite No. 21, on east shore Orca Inlet, 4.64 acres; approximate latitude 60°28'30" N., longitude 145°55'30" W.;

Homesite No. 33, near Mile 27 on the west side of The Alaska Railroad, 4.40 acres; approximate latitude 60°27'10" N., longitude 149°22'8" W.;

Homesite No. 34, lot "C", Moose Pass Group, on Moose Pass Highway, 4.92

acres; approximate latitude 60°29'20" N., longitude 149°21' W.;

*Tongass National Forest*

Homesite No. 11, at mouth of Hard-ing River, 5 acres; approximate latitude 56°12'45" N., longitude 131°38'25" W.;

Homesite No. 72, lot "D", Auke Bay Group, 2.85 acres, U. S. Survey 2389;

Homesite No. 107, tract "K", Mile Seven Group, 4.44 acres; U. S. Survey No. 2475 (not accepted);

Homesite No. 175, on Kupreanof Island, on west shore of Petersburg Creek, 5 acres in lot 6, sec. 29, T. 58 S., R. 79 E., C. R. M.;

Homesite No. 203, lot "K", Scow Bay Group, Mitkof Island, 4.99 acres; approximate latitude 56°45'31" N., longitude 132°54'15" W.;

Homesite No. 225, tract "J", Wrangell Group, Wrangell Island, 3.60 acres; U. S. Survey No. 2321;

Homesite No. 249, lot "B", 7½ Mile Group, 3.86 acres; approximate latitude 58°21'27" N., longitude 134°33'18" W.;

Homesite No. 327, tract "N", Wrangell Group, 3.61 acres; U. S. Survey No. 2321;

Homesite No. 333, on south shore of Boathouse Cove, Revillagigedo Island, 4.80 acres; approximate latitude 55°16'50" N., longitude 131°27'50" W.;

Homesite No. 375, lot "A", Triangle Group, 4.86 acres; U. S. Survey 2391;

Homesite No. 396, Boathouse Cove Group, Revillagigedo Island, 2.68 acres; approximate latitude 55°16'50" N., longitude 131°27'50" W.;

Homesite No. 402, lot "C", Tee Harbor Group, 4.74 acres; U. S. Survey No. 2388;

Homesite No. 409, tract "H", Triangle Group, 2.66 acres, approximate latitude 58°22'50" N., longitude 134°38'10" W.;

Homesite 425, tract "G", Triangle Group, 4.64 acres; U. S. Survey No. 2391;

Homesite No. 427, tract 31, Mt. Point Group, Revillagigedo Island, 1.63 acres; U. S. Survey No. 2402;

Homesite No. 445, lot "E", Pederson Hill Group, 4.51 acres; approximate latitude 58°22'38" N., longitude 134°36'34" W.;

Homesite No. 471, lot "D", East Craig Group, Prince of Wales Island, 4.99 acres; U. S. Survey No. 2327;

Homesite No. 478, tract "B", East Craig Group, 4.41 acres; U. S. Survey No. 2327;

Homesite No. 480, Clover Pass Group, 3.47 acres; approximate latitude 55°28'45" N., longitude 131°48'30" W.;

Homesite No. 483, lot "C", Triangle Group, 3.07 acres; U. S. Survey No. 2391;

Homesite No. 504, lot "F", Tee Harbor Group, 1.40 acres; U. S. Survey No. 2388;

Homesite No. 520, tract "C", North Douglas Group, Douglas Island, 5 acres; approximate latitude 58°20'12" N., longitude 134°35'8" W.;

Homesite No. 532, tract "W", Triangle Group, 3.20 acres; approximate latitude 58°23' N., longitude 134°38' W.;

Homesite No. 533, lot "H", tract "B", Fritz Cove Group, 3.31 acres; U. S. Survey No. 2390;

Homesite No. 539, on Fisherman's Harbor, Kosciusko Island, 0.86 acres; approximate latitude 55°57'45" N., longitude 133°47'46" W.;

Homesite No. 543, on shore of Clover Pass, Revillagigedo Island, 4.74 acres; approximate latitude 55°28'45" N., longitude 131°48'30" W.;

Homesite No. 552, tract "E", Fritz Cove Group, 2.61 acres; U. S. Survey No. 2390;

Homesite No. 565, lot "D", Clover Pass Group, 3.28 acres; approximate latitude 55°29' N., longitude 131°47' W.;

Homesite No. 569, lot "O", Clover Pass Group, 4.70 acres; approximate latitude 55°28'30" N., longitude 131°47'30" W.;

Homesite No. 580, tract "Q", Triangle Group, 3.67 acres; U. S. Survey No. 2391;

Homesite No. 585, tract "B", Pederson Hill Group, 4.64 acres; U. S. Survey No. 2386;

Homesite No. 592, tract "J", East Craig Group, 0.61 acres; U. S. Survey No. 2327;

Homesite No. 599, lot "DD", Triangle Group, 4.70 acres; U. S. Survey No. 2391;

Homesite No. 611, Pearl Harbor Group, 1.59 acres; approximate latitude 58°28'30" N., longitude 134°47' W.;

Homesite No. 614, lot 614, 3.91 acres, U. S. Survey No. 2471 (not accepted), Mitkof Island;

Homesite No. 620, on west shore of Petersburg Creek, in lot 3, sec. 29, T. 58 S., R. 79 E., C. R. M., 4.26 acres;

Homesite No. 649, lot 18, Fritz Cove Group, on east shore of Auke Bay, 0.27 acres;

Homesite No. 687, lot 29, Mt. Point-Herring Bay Group, Revillagigedo Island, 1.17 acres; U. S. Survey No. 2402;

Homesite No. 711, lot 61, Mt. Point-Herring Bay Group, 0.64 acres; U. S. Survey No. 2402;

Homesite No. 714, Fritz Cove Group, 0.94 acres, approximate latitude 58°22'24" N., longitude 134°38'35" W.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,  
August 8, 1940.

[No. 85061]

[F. R. Doc. 40-3331; Filed, August 9, 1940;  
12:48 p. m.]

EXECUTIVE ORDER

WITHDRAWAL OF PUBLIC LANDS FOR THE  
WAR DEPARTMENT

CALIFORNIA

By virtue of the authority vested in me by section 1 of the act of July 9, 1918, 40 Stat. 845, 848 (U.S.C., title 10, sec. 1341), it is ordered that, subject to valid existing rights, all the public lands within the following-described areas be,

and they are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining laws, for the use of the War Department as an anti-aircraft firing range:

*San Bernardino Meridian*

- T. 14 N., R. 1 E., secs. 1 to 12 inclusive.
- T. 15 N., R. 1 E., all, partly unsurveyed.
- T. 16 N., R. 1 E., all, partly unsurveyed.
- T. 17 N., R. 1 E., all, partly unsurveyed.
- T. 18 N., R. 1 E., secs. 25 to 36, inclusive, unsurveyed.
- T. 12 N., R. 2 E., secs. 1 to 5 and 8 to 12, inclusive.
- T. 13 N., R. 2 E., all, partly unsurveyed.
- T. 14 N., R. 2 E., all, partly unsurveyed.
- T. 15 N., R. 2 E., all, partly sunsurveyed.
- T. 16 N., R. 2 E., all, partly unsurveyed.
- T. 17 N., R. 2 E., all, partly unsurveyed.
- T. 18 N., R. 2 E., secs. 25 to 36, inclusive, partly unsurveyed.
- T. 12 N., R. 3 E., secs. 1 to 18, inclusive.
- T. 13 N., R. 3 E., all.
- T. 14 N., R. 3 E., all, partly unsurveyed.
- T. 15 N., R. 3 E., all, partly unsurveyed.
- T. 16 N., R. 3 E., all, partly unsurveyed.
- T. 17 N., R. 3 E., all, partly unsurveyed.
- T. 18 N., R. 3 E., secs. 25 to 36, inclusive, partly unsurveyed.
- T. 12 N., R. 4 E., secs. 1 to 18, inclusive, partly unsurveyed.
- T. 13 N., R. 4 E., all.
- T. 14 N., R. 4 E., all, partly unsurveyed.
- T. 15 N., R. 4 E., all, partly unsurveyed.
- T. 16 N., R. 4 E., all, partly unsurveyed.
- T. 17 N., R. 4 E., all, unsurveyed.
- T. 18 N., R. 4 E., secs. 25 to 36, inclusive, partly unsurveyed.
- T. 12 N., R. 5 E., secs. 5, 6, 7, 8, and 18.
- T. 13 N., R. 5 E., secs. 1 to 12, 14 to 23, and 27 to 33, inclusive.
- T. 14 N., R. 5 E., all, partly unsurveyed.
- T. 15 N., R. 5 E., all, partly unsurveyed.
- T. 16 N., R. 5 E., all, partly unsurveyed.
- T. 17 N., R. 5 E., secs. 13 to 36, inclusive, un-surveyed.
- T. 13 N., R. 6 E., sec. 6.
- T. 14 N., R. 6 E., secs. 3 to 10, 15 to 22, and 27 to 32, inclusive.
- T. 15 N., R. 6 E., secs. 3 to 10, 15 to 22, and 27 to 34, inclusive.
- T. 16 N., R. 6 E., secs. 3 to 10, 15 to 22, and 27 to 34, inclusive, partly unsurveyed.
- T. 17 N., R. 6 E., secs. 19 to 21 and 28 to 33, inclusive, unsurveyed;

aggregating approximately 640,000 acres.

This order supersedes as to any of the above-described lands affected thereby the withdrawals made by Executive Order No. 6910 of November 26, 1934, as amended, Executive Order of August 8, 1914, creating Public Water Reserve No. 22, and Executive Order of November 9, 1923, creating Public Water Reserve No. 87.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,  
August 8, 1940.

[No. 8507]

[F. R. Doc. 40-3328; Filed, August 9, 1940;  
12:47 p. m.]

EXECUTIVE ORDER

WITHDRAWAL OF PUBLIC LAND FOR THE WAR  
DEPARTMENT

FLORIDA

By virtue of the authority vested in me by section 1 of the act of July 9, 1918,

## FEDERAL REGISTER, Tuesday, August 13, 1940

40 Stat. 845, 848 (U.S.C., title 10, sec. 1341), it is ordered that, subject to valid existing rights, all the following-described public lands be, and they are hereby, withdrawn from all forms of appropriation under the public-land laws, including the mining and leasing laws, for the use of the War Department as an anti-aircraft firing range:

*Tallahassee Meridian*

T. 3 S., R. 31 W.,  
sec. 24, lot 3;  
sec. 25, lot 2;  
sec. 28, lots 1 and 2;  
sec. 30, lot 2;  
195.26 acres.

This order supersedes the withdrawal made by Executive Order No. 6964 of February 5, 1935, as amended, and Executive Order No. 4109 of December 8, 1924, as to any of the above-described lands.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,  
August 8, 1940.

[No. 8508]

[F. R. Doc. 40-3329; Filed, August 9, 1940;  
12:47 p. m.]

**EXECUTIVE ORDER****ESTABLISHING THE MISSOURI WILDLIFE MANAGEMENT AREA**  
**MISSOURI**

WHEREAS certain lands in the State of Missouri, together with the improvements thereon, have been acquired under the authority of Title II of the National Industrial Recovery Act, approved June 16, 1933 (48 Stat. 200), and the Emergency Relief Appropriation Act of 1935, approved April 8, 1935 (49 Stat. 115); and

WHEREAS by Executive Order No. 7908 of June 9, 1938, all the right, title, and interest of the United States in such lands were transferred to the Secretary of Agriculture for use, administration, and disposition in accordance with the provisions of Title III of the Bankhead-Jones Farm Tenant Act, approved July 22, 1937 (50 Stat. 522, 525), and the related provisions of Title IV thereof; and

WHEREAS the Secretary of Agriculture has recommended that the reservation of such lands as a refuge and breeding ground for native birds and other wildlife would be in the public interest:

NOW, THEREFORE, by virtue of the authority vested in me by section 32, Title III of the said Bankhead-Jones Farm Tenant Act, and as President of the United States, it is ordered that, subject to valid existing rights, jurisdiction over the lands, together with the improvements thereon, acquired by the United States within the following-described area, comprising 2,250 acres,

more or less, in Boone County, Missouri, be, and it is hereby, transferred to the Department of the Interior, and the area is reserved as a refuge and breeding ground for native birds and other wildlife and for research related thereto, under such conditions of use and administration as will best carry out the purposes of the land-conservation and land-utilization program for which such lands were acquired: *Provided, however,* That such lands shall remain available to the Curators of the University of Missouri, a corporation of the State of Missouri, for use and management through any of the colleges or departments of the University of Missouri, under the custody of the Fish and Wildlife Service of the Department of the Interior, for so long as there remains in force and effect a co-operative and license agreement between the United States of America and the Curators of the University of Missouri providing for such use and management:

*Fifth Principal Meridian*

T. 46 N., R. 11 W.,  
sec. 17, NE $\frac{1}{4}$ , all that part of the NW $\frac{1}{4}$   
bounded by the following-described  
lines:

Beginning at the center one-quarter corner of sec. 17;

Thence westerly with the center line of said section to the one-quarter corner common to secs. 17 and 18;

Thence with the line common to said sections,

Northerly 906 feet;

Thence in the NW $\frac{1}{4}$ , sec. 17,

Easterly 420 feet;

Northerly 414 feet;

Easterly 1,824 feet;

Northerly 550 feet;

Easterly 396 feet to a point in the center line of sec. 17;

Thence with the center line of said section,

Southerly 1,870 feet to the place of beginning;

and SW $\frac{1}{4}$ , N $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ , N $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ ,  
and all that part of the S $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$   
and SW $\frac{1}{4}$ SE $\frac{1}{4}$  lying west of Conner Creek;

sec. 18, lot 1, all that part of the NE $\frac{1}{4}$ SE $\frac{1}{4}$   
bounded by the following-described lines:

Beginning at the one-quarter corner common to secs. 17 and 18;

Thence with the line common to said sections,

Southerly 1,345 feet;

Thence S. 89°00' W., 350 feet;

Thence in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ , sec. 18, N.  
0°25' W., 1,344 feet; N. 89°35' E.,  
350 feet to the place of beginning;

and W $\frac{1}{2}$ SE $\frac{1}{4}$ , and SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;

sec. 19, lot 1, NE $\frac{1}{4}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$ , and SE $\frac{1}{4}$ ;

sec. 20, W $\frac{1}{2}$ NE $\frac{1}{4}$ , except that part bounded

by the following-described lines:

Beginning at the center east one-six-

teenth corner of sec. 20;

Thence with the center line of said sec-

tion,

Westerly 483 feet;

Thence northeasterly to a point in the east one-sixteenth line, 724 feet northerly of the center east one-six-

teenth corner;

Thence southerly 724 feet to the place of

beginning;

and W $\frac{1}{2}$ ;

sec. 20, all that part of the W $\frac{1}{2}$ NE $\frac{1}{4}$  lying south and west of the public road, NW $\frac{1}{4}$ , and all that part of the NW $\frac{1}{4}$ SW $\frac{1}{4}$  lying west of Cedar Creek;

sec. 30, lots 1 and 2 of the NW $\frac{1}{4}$ , lot 1, and the N $\frac{1}{2}$  and E $\frac{1}{2}$ S $\frac{1}{2}$  of lot 2 of the SW $\frac{1}{4}$ , NE $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ , and SW $\frac{1}{4}$ SE $\frac{1}{4}$ .

This reservation shall be known as the Missouri Wildlife Management Area.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,

August 8, 1940.

[No. 8509]

[F. R. Doc. 40-3327; Filed, August 9, 1940;  
12:47 p. m.]

**EXECUTIVE ORDER****ESTABLISHING THE CAROLINA SANDHILLS WILDLIFE MANAGEMENT AREA**  
**SOUTH CAROLINA**

WHEREAS certain lands in the State of South Carolina, together with the improvements thereon, have been, or are in process of being, acquired under the authority of Title II of the National Industrial Recovery Act, approved June 16, 1933 (48 Stat. 200), the Emergency Relief Appropriation Act of 1935, approved April 8, 1935 (49 Stat. 115), and Title III of the Bankhead-Jones Farm Tenant Act, approved July 22, 1937 (50 Stat. 522, 525); and

WHEREAS by Executive Order No. 7908, of June 9, 1938, all the right, title, and interest of the United States in such lands as were acquired, or are in process of acquisition, under Title II of the said National Industrial Recovery Act and the said Emergency Relief Appropriation Act of 1935 were transferred to the Secretary of Agriculture for use, administration, and disposition in accordance with the provisions of Title III of the said Bankhead-Jones Farm Tenant Act, and the related provisions of Title IV thereof; and immediately upon acquisition of legal title to those lands now in process of acquisition under said acts, said order, under the terms thereof, will become applicable to all the additional right, title, and interest thereby acquired by the United States; and

WHEREAS the Secretary of Agriculture has recommended that the reservation of such lands as a refuge and breeding ground for native birds and other wildlife would be in the public interest:

NOW, THEREFORE, by virtue of the authority vested in me by Section 32, Title III, of the said Bankhead-Jones Farm Tenant Act, and as President of the United States, it is ordered that, subject to valid existing rights, jurisdiction over the lands, together with the improvements thereon, acquired by the United States within the area shown on the diagram attached hereto and made a part hereof, comprising 44,550 acres, more or less, in Chesterfield and Darlington Counties, South

Carolina, be, and it is hereby transferred to the Department of the Interior, together with such equipment in use in connection with such lands as may be designated by the Secretary of Agriculture, and the area is reserved as a refuge and breeding ground for native birds and other wildlife and for research relating to wildlife and associated forest resources, under such conditions of use and administration as will best carry out the purposes of the land conservation and land utilization program for which such lands have been and are being acquired: *Provided, however,* That (1) such lands shall remain available to the State of South Carolina for use and management by its Commission of Forestry, under the custody of the Fish and Wildlife Service of the Department of the Interior, for so long as there remains in force and effect a cooperative and license agreement between the United States of America and the State of South Carolina providing for such use and management; and (2) the Secretary of Agriculture shall retain such jurisdiction over the lands now in process of acquisition by the United States as may be necessary to enable him to complete their acquisition.

This reservation shall be known as the Carolina Sandhills Wildlife Management Area.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,

August 8, 1940.

[No. 8510]

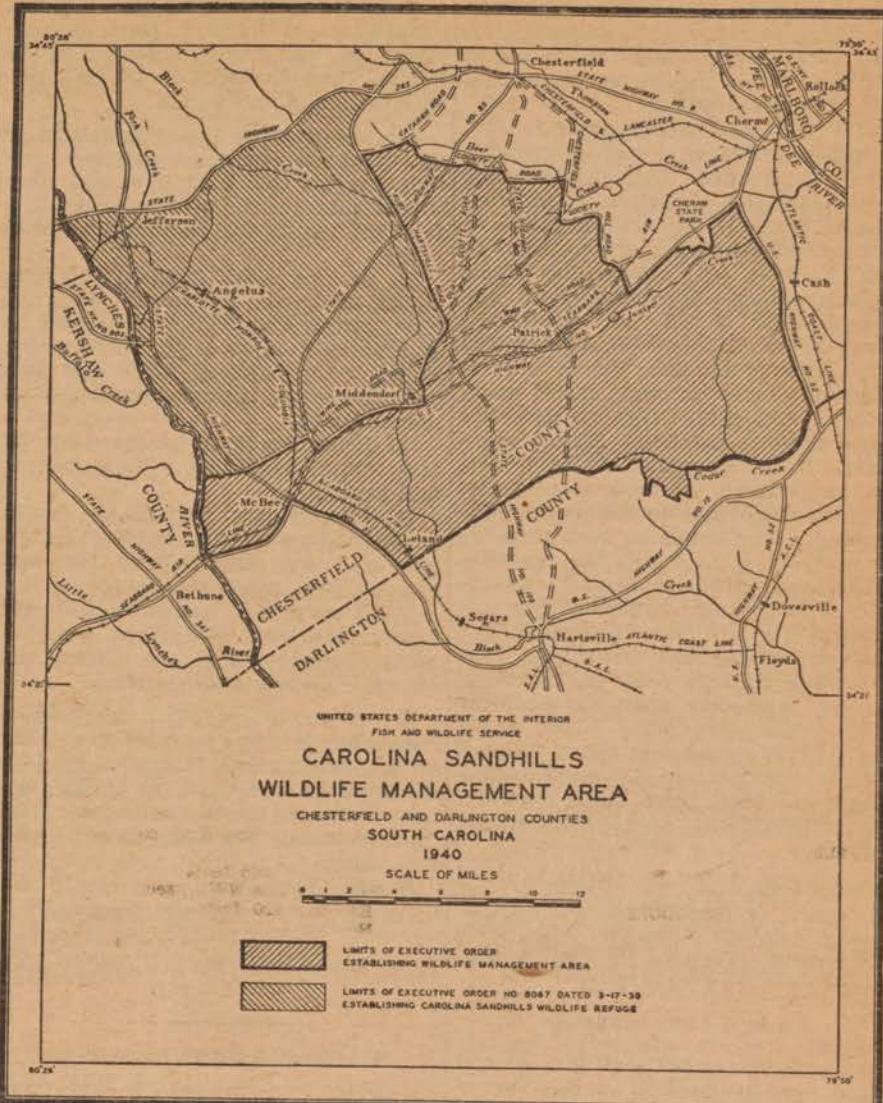
[F. R. Doc. 40-3330; Filed, August 9, 1940; 12:48 p. m.]

#### EXECUTIVE ORDER

##### TRANSFERRING JURISDICTION AND CONTROL OVER CERTAIN LAND ON THE ISLAND OF ST. CROIX, VIRGIN ISLANDS, FROM THE DEPARTMENT OF THE INTERIOR TO THE WAR DEPARTMENT

By virtue of and pursuant to the authority vested in me by the act of June 16, 1933, c. 90, 48 Stat. 195, 200-202, and as President of the United States, it is ordered that the jurisdiction and control over the following lands on the Island of St. Croix, Virgin Islands, constituting a part of that tract commonly known as "Bethlehem Estates" and indicated by hachures on the attached plat of the "Site of Proposed Auxiliary Airdrome," prepared by the War Department and bearing the date June, 1940,<sup>1</sup> be, and the same are hereby transferred from the Department of the Interior to the War Department for national-defense purposes:

Beginning at a point designated as Station 2 on the attached plat, being a point on the east boundary of the property of Miles Merwin, from which the NE corner of said Merwin property bears N. 12° W., 3325.3 feet, and the SE corner



of said estate bears S. 10° E., 1372.0 feet, thence by magnetic bearings,

N. 88°45' E., 553.2 feet to Station 3;  
 N. 8°14' W., 2442.1 feet to Station 6;  
 N. 16°21' W., 341.0 feet to Station 7;  
 N. 32°56' W., 234.0 feet to Station 8;  
 N. 45°53' W., 865.8 feet to Station 9;  
 N. 80°45' W., 1252.8 feet to Station 10;  
 S. 48°51' W., 460.6 feet to Station 11;  
 N. 67°57' W., 517.9 feet to Station 12;  
 N. 81°26' W., 432.0 feet to Station 13;  
 S. 85°21' W., 690.8 feet to Station 14;  
 N. 57°09' W., 994.1 feet to Station 15;  
 N. 58°00' W., 460.6 feet to Station 16;  
 S. 85°11' W., 513.5 feet to Station 17;  
 S. 10°44' E., 607.5 feet to Station 18;  
 S. 88°01' W., 1577.8 feet to Station 21;  
 S. 11°15' E., 1701.9 feet to Station 22;  
 N. 76°46' E., 6171.1 feet along north boundary of property of Miles Merwin to Station 21;  
 S. 12°00' E., 3325.3 feet along east boundary of property of Miles Merwin to Station 2, the point of beginning.

Containing 213.72 acres, more or less.

FRANKLIN D ROOSEVELT  
 THE WHITE HOUSE,

August 9, 1940.

[No. 8511]

<sup>1</sup> Filed as a part of the original document.

#### Rules, Regulations, Orders

##### TITLE 16—COMMERCIAL PRACTICES

###### CHAPTER I—FEDERAL TRADE COMMISSION [Docket No. 3522]

###### IN THE MATTER OF UNION FOUNTAIN PEN COMPANY ET AL.

**§ 3.66 (f) Misbranding or mislabeling—Price:** § 3.66 (1) *Misbranding or mislabeling—Value.* Representing, in connection with offer, etc., in commerce, of fountain pens, that the customary and usual retail price at which said fountain pens are sold is \$3.75, or any other sum in excess of the price at which such pens are usually and customarily sold at retail, or affixing to said fountain pens price marks or bands containing purported retail prices, when the prices stated on said marks or bands are fictitious and in excess of the prices at which said pens are usually and customarily offered for sale and sold, prohibited.

[F. R. Doc. 40-3350; Filed, August 10, 1940; 12:50 p. m.]

## FEDERAL REGISTER, Tuesday, August 13, 1940

(Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Union Fountain Pen Company et al., Docket 3522, August 6, 1940]

§ 3.6 (h). Advertising falsely or misleadingly—Fictitious or misleading guarantees: § 3.6 (m10) Advertising falsely or misleadingly—Manufacture or preparation: § 3.6 (t) Advertising falsely or misleadingly—Qualities or properties of product: § 3.6 (w) Advertising falsely or misleadingly—Refunds, repairs and replacements: § 3.6 (x) Advertising falsely or misleadingly—Results: § 3.72 (k5) Offering deceptive inducements to purchase—Repair or replacement guarantee: § 3.72 (k10) Offering deceptive inducements to purchase—Results guarantee. Using, in connection with offer, etc., in commerce, of fountain pens, the term "custom-built" in designating, describing or referring to said pens, or representing (1) through the use of a "Guaranteed Lifetime Service" certificate, or in any other manner, that said fountain pens will last a lifetime, or (2) that respondents will repair said pens or replace damaged parts thereof without cost, when any charge is made for such service, prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, section 45b) [Cease and desist order, Union Fountain Pen Company et al., Docket 3522, August 6, 1940]

IN THE MATTER OF UNION FOUNTAIN PEN COMPANY, A CORPORATION, AND PAULINE JOAB, ISADORA SANDROW, AND LOUIS MORRISON, INDIVIDUALLY AND AS OFFICERS OF SAID CORPORATION.

## ORDER TO CEASE AND DESIST

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 6th day of August, A. D. 1940.

This proceeding having been heard<sup>1</sup> by the Federal Commission upon the complaint of the Commission, the answer of respondents, testimony and other evidence in support of the allegations of said complaint, and in opposition thereto, taken before John J. Keenan and Miles J. Furnas, examiners of the Commission theretofore duly designated by it, and briefs filed herein, and no request for oral argument having been made, and the Commission having made its findings as to the facts and its conclusion that said respondents have violated the provisions of the Federal Trade Commission Act;

*It is ordered*, That the respondents, Union Fountain Pen Company, its officers, agents, employees and representatives, and Pauline Joab, Isadore Sandrow, and Louis Morrison, their agents, employees, and representatives, directly or through any corporate or other device, in connec-

tion with the offering for sale, sale and distribution of fountain pens in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Representing that the customary and usual retail price at which said fountain pens are sold is \$3.75, or any other sum in excess of the price at which such pens are usually and customarily sold at retail;

(2) Affixing to said fountain pens price marks or bands containing purported retail prices, when the prices stated on said marks or bands are fictitious and in excess of the prices at which said pens are usually and customarily offered for sale and sold;

(3) Using the term "custom-built" in designating, describing or referring to said pens;

(4) Representing, through the use of a "Guaranteed Lifetime Service" certificate, or in any other manner, that said fountain pens will last a lifetime;

(5) Representing that respondents will repair said pens or replace damaged parts thereof without cost, when any charge is made for such service.

*It is further ordered*. That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL]

OTIS B. JOHNSON,  
Secretary.

[F. R. Doc. 40-3348; Filed, August 10, 1940;  
11:35 a. m.]

## TITLE 19—CUSTOMS DUTIES

## CHAPTER I—BUREAU OF CUSTOMS

[T. D. 50209]

## AIRPORT OF ENTRY

SAULT STE. MARIE AIRPORT, SAULT STE. MARIE,  
MICHIGAN, REDESIGNATED AS AN AIRPORT OF  
ENTRY FOR A PERIOD OF ONE YEAR<sup>1</sup>

AUGUST 9, 1940.

The Sault Ste. Marie Airport, Sault Ste. Marie, Michigan, is hereby redesignated as an airport of entry for civil aircraft and merchandise carried thereon arriving from places outside the United States, as defined in section 9 (b) of the Air Commerce Act of 1926 (U.S.C. title 49, sec. 179 (b)), for a period of one year from August 4, 1940.

(Sec. 7 (b), 44 Stat. 572; 49 U.S.C. 177 (b)).

[SEAL] HERBERT E. GASTON,  
Acting Secretary of the Treasury.  
(192-38.32)

[F. R. Doc. 40-3358; Filed, August 12, 1940;  
11:22 a. m.]

<sup>1</sup> This document affects the tabulation in 19 CFR 4.13.

## TITLE 25—INDIANS

## CHAPTER I—OFFICE OF INDIAN AFFAIRS: INTERIOR

## KLAMATH TRIBAL LOAN FUND EMERGENCY ASSISTANCE

Section 28.29 of Title 25, Chapter I, Subchapter E, Credit to Indians, Part 28, Klamath Tribal Loan Fund, page 72 (784), is amended to read as follows:

§ 28.29. *Financial assistance in cases of illness, death, or other emergency.* Loans in the amount of \$500 or more may be made to meet emergencies such as illness when security in the full amount of loan is furnished. Unsecured loans in amounts less than \$500 may be made when the applicant has an established reputation for financial integrity. No loan shall be made in excess of \$250 for the burial of a deceased person. Security shall be required, if available, for this class of loans regardless of the amount of the loan. If no security is available character loans for such purposes may be made when the applicant has an established reputation for financial integrity. (Sec. 3, 50 Stat. 872; 25 U.S.C. 532) [Sec. 23, Regs. Sec. Int. Dec. 4, 1937, amended July 24, 1940, by Sec. Int.]

OSCAR L. CHAPMAN,

Assistant Secretary of the Interior.

JULY 24, 1940.

[F. R. Doc. 40-3334; Filed, August 9, 1940;  
3:08 p. m.]

## ORDER AMENDING THE ORDER OF RESTORATION

## BLACKFEET RESERVATION

JUNE 21, 1940.

Pursuant to authority contained in sections 3 and 7 of the Act of June 18, 1934 (48 Stat. 984), Departmental Order of December 21, 1938,<sup>1</sup> published in the FEDERAL REGISTER January 10, 1939, restoring certain undisposed-of vacant townsite lots on the Blackfeet Reservation to tribal ownership, is hereby amended by eliminating therefrom Lot No. 4, Block No. 39, Browning Townsite and by adding thereto Lot No. 15, Block No. 39, Browning Townsite.

OSCAR L. CHAPMAN,  
Assistant Secretary of the Interior.

[F. R. Doc. 40-3343; Filed, August 10, 1940;  
10:15 a. m.]

<sup>1</sup> 4 FR. 104.

**TITLE 26—INTERNAL REVENUE**  
**CHAPTER I—BUREAU OF INTERNAL REVENUE**  
[T.D. 5001]

**SUBCHAPTER C—MISCELLANEOUS EXCISE TAXES**

**PART 188—BOTTLING OF DISTILLED SPIRITS IN BOND**

*Amending Regulations 6 (1938)*

Section 2 of the Act of June 24, 1940 (Public—No. 654—76th Congress), is as follows:

SEC. 2. Section 2903, Internal Revenue Code, is hereby amended by relettering subsections (e), (f), and (g) as (f), (g), and (h), respectively, and by inserting a new subsection (e) to read as follows:

"(e) **UNUSED STAMPS; EXCHANGE, REFUND, ETC.** The Commissioner of Internal Revenue under regulations prescribed by him and approved by the Secretary of the Treasury, may redeem or make allowance for any unused case stamp, with all coupon strip stamps attached thereto, issued under section 1 of the Act entitled "An Act to allow the bottling of distilled spirits in bond", approved March 3, 1897 (29 Stat. 626), or under said section 1, as variously amended, and may redeem or make allowance for unused strip stamps issued for bottles of distilled spirits bottled in bond under said section 1, as amended by the Act of July 9, 1937 (50 Stat. 487), or under subsection (d) of this section, by exchanging them for strip stamps for bottled-in-bond spirits, or by refunding moneys received therefor: *Provided*, That stamps may be exchanged or the value thereof refunded only in quantities of the value of \$5 or more: *And provided further*, That no claim under this subsection for redemption or allowance in respect of case or strip stamps shall be allowed unless presented within two years after the date on which such case or strip stamps were lawfully issued. There are hereby authorized to be appropriated annually, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to carry out this provision."

Section 3 of the Act of June 24, 1940 (Public—No. 654—76th Congress), is as follows:

SEC. 3. Notwithstanding the limitations contained in sections 2803 (c) and 2903 (e), Internal Revenue Code, as amended and inserted, respectively, by this Act, as to the time within which claims under such sections must be presented, claims under such sections for the exchange of or refund for stamps lawfully issued prior to the date of enactment of this Act may be allowed if presented within two years from the date of enactment of this Act.

Pursuant to the foregoing provisions of law and to sections 2905 and 3176 of the Internal Revenue Code, § 188.21 (C.F.R. 1938 Sup.) [section 21, Regulations 6],<sup>1</sup> is amended and a new section numbered 188.63 [section 63, Regulations 6] added, both to read as follows:

**§ 188.21 Exchange and redemption of bottled-in-bond stamps for distilled spirits for domestic use.** Unused bottled-in-bond case stamps, with all coupon strip stamps attached thereto, issued under section 1 of the Act of March 3, 1897 (29 Stat. 626), or under said section 1, as variously amended, and unused strip

stamps issued under said section 1, as amended by the Act of July 9, 1937 (50 Stat. 487), or under subsection (d) of section 2903 of the Internal Revenue Code, in quantities of the value of \$5 or more, may be exchanged for bottled-in-bond strip stamps, of equal value and in any prescribed denomination, or the value thereof may be refunded, provided that a claim for such exchange or refund, establishing the lawful issuance and ownership of the stamps, is filed with the Collector of Internal Revenue who issued the stamps (1) within two years after the date on which such stamps were lawfully issued or (2) if the stamps were lawfully issued prior to June 24, 1940, within two years from the latter date: *Provided, however*, That the value of unused stamps which have been destroyed may be refunded upon the filing of a claim as provided herein with proof to the satisfaction of the Commissioner of the destruction of the stamps. Claims for exchange of stamps will be filed on Form 1579 and claims for refund of the value of stamps on Form 843, in accordance with procedure prescribed by the Commissioner.

(a) **Disposition of bottled-in-bond stamps.** All unused bottled-in-bond stamps, if any, belonging to the proprietor at the time of permanent discontinuance of business will be inventoried by denomination, serial number, and quantity, by the storekeeper-gauger or other officer designated by the district supervisor to perform such duty. The officer will deliver such stamps to the proprietor and take his receipt therefor, in triplicate. When delivering the stamps the officer will advise the proprietor that the value of the stamps, if in quantities of the value of \$5 or more, may be refunded provided that a claim for such refund on Form 843, establishing the lawful issuance and ownership of the stamps, is filed with the Collector of Internal Revenue who issued the stamps (1) within two years after the date on which such stamps were lawfully issued or (2) if the stamps were lawfully issued prior to June 24, 1940, within two years from the latter date; or that such unused stamps may be destroyed in the presence of a Government officer, and the proprietor thereby relieved from further accountability for the stamps. If the stamps are not surrendered to the Collector for refund of their value or are not destroyed, the proprietor must account for the stamps each month by rendering Form 96, properly modified, in duplicate, to the district supervisor. The officer shall make a notation on the receipt as to the disposition made or to be made of the stamps. One copy of the receipt will be delivered to the proprietor and the original and one copy will be delivered to the district supervisor, who will forward the original to the Commissioner. (Secs. 2903, 3176, I.R.C.; sec. 3, Act of June 24, 1940 (Public—No. 654—76th Congress.))

**§ 188.63 Exchange and redemption of bottled-in-bond stamps for distilled spirits for export.**—Provisions of section 21 are applicable to bottled-in-bond stamps for distilled spirits for export. (Secs. 2903, 2905, 3176, I.R.C.; sec. 3, Act of June 24, 1940 (Public—No. 654—76th Congress.))

[SEAL] **TIMOTHY C. MOONEY,**  
*Acting Commissioner.*

Approved, August 7, 1940.

**JOHN L. SULLIVAN,**  
*Acting Secretary of the Treasury.*

[F. R. Doc. 40-3336; Filed, August 10, 1940; 10:30 a. m.]

[T. D. 5002]

**SUBCHAPTER C—MISCELLANEOUS EXCISE TAXES**

**PART 189—BOTTLING OF TAX-PAID DISTILLED SPIRITS**

*Amending Regulations 11*

Section 2803 (c) of the Internal Revenue Code, as amended by section 1 of the Act of June 24, 1940 (Public—No. 654—76th Congress) reads as follows:

(c) **UNUSED STAMPS; EXCHANGE, REFUND, ETC.** The Commissioner of Internal Revenue, under regulations prescribed by him and approved by the Secretary of the Treasury, may redeem or make allowance for any unused stamps issued under section 203 of the Liquor Taxing Act of 1934 or subsection (b) of this section by exchanging them for other stamps of the same kind or by refunding moneys received therefor: *Provided*, That stamps may be exchanged or the value thereof refunded only in quantities of the value of \$5 or more: *And provided further*, That no claim for the exchange of strip stamps or refund therefor shall be allowed unless presented within two years after the date on which such stamps were lawfully issued. There are hereby authorized to be appropriated annually, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to carry out this provision.

Section 3 of the Act of June 24, 1940 (Public—No. 654—76th Congress) reads as follows:

SEC. 3. Notwithstanding the limitations contained in sections 2803 (c) and 2903 (e), Internal Revenue Code, as amended and inserted, respectively, by this Act, as to the time within which claims under such sections must be presented, claims under such sections for the exchange of or refund for stamps lawfully issued prior to the date of enactment of this Act may be allowed if presented within two years from the date of enactment of this Act.

Pursuant to the foregoing provisions of law and to sections 2803 (d), 2871, 3030 (a), and 3176 of the Internal Revenue Code, and section 5 (e) of the Federal Alcohol Administration Act, as amended (27 U.S.C. Sup., 205), § 189.31 [Regulations 11]<sup>1</sup> is hereby revoked, and

§§ 189.65, 189.78, 189.79, 189.95, 189.111, 189.116, and 189.153 [Regulations 11] are hereby amended to read as follows:

**§ 189.65 Application, Form 230.** Proprietors of tax-paid bottling houses desiring to bottle tax-paid spirits will execute application on Form 230, in duplicate, giving all of the data called for by the form as indicated by the headings of the columns and lines and the instructions printed thereon. The proprietor will enter on Form 230 the details of the withdrawal gauge for tax-payment when packages of spirits are to be dumped for bottling, or when liqueurs or cordials are authorized to be bottled from the original package as provided in § 189.78. An actual gauge of the spirits will, however, be made in either case before the bottling begins, and the details of such gauge will also be entered on the form, as provided in §§ 189.77 and 189.78. Each Form 230 will be given a serial number beginning with "1" for the 1st day of January of each year and running consecutively thereafter to December 31, inclusive. A separate application on Form 230 must be prepared for each lot of tax-paid spirits to be bottled.\*

**§ 189.78 Bottling tank to be used.** All spirits bottled at a tax-paid bottling house must be bottled from approved bottling tanks: *Provided*, That the district supervisor may authorize the bottling from the original package of liqueurs and cordials which it is impracticable to bottle from an approved bottling tank. Where liqueurs or cordials are authorized to be bottled from the original package, the proprietor will gauge such liqueurs or cordials before the bottling begins and enter the details thereof on all copies of Form 230.\*

**§ 189.79 Reduction of tax-paid rectified spirits prohibited.** The reduction in proof or the increasing in volume, at a tax-paid bottling house, of rectified spirits on which the rectification tax has been paid is prohibited by law. This prohibition does not forbid the reduction of imported spirits rectified abroad, or of spirits rectified in Puerto Rico, the Virgin Islands, or the Philippine Islands, or of domestically rectified spirits exempt from rectification tax. Liqueurs and cordials may not be reduced in proof or increased in volume, nor may wines be increased in volume or in taxable grade, at a tax-paid bottling house. \*(Secs. 2801 (b), 3030 (a), I.R.C.)

**§ 189.95 Rebottling, relabeling, and restamping of bottled spirits.** Where distilled spirits packaged in bottles are to be rebottled for domestic sale, the bottles, if of a capacity of one-half pint or greater and not exceeding 1 gallon, must conform to the requirements of Regulations 13 (26 CFR, Part 175). The spirits may be rebottled in the same bottles from which removed if such bottles containing the spirits originally conform to the requirements of Regulations 13 and have not been sold to the consumer or opened, and the use of such bottles is authorized by

the district supervisor in accordance with the said regulations. The new label must be covered by an appropriate certificate of label approval or a certificate of exemption from label approval issued under the Federal Alcohol Administration Act. If the new label is covered by a certificate of exemption from label approval, it must conform to the requirements of Regulations 13. If the spirits have left the possession of the original bottler and are to be relabeled without rebottling, authorization to relabel the spirits must be obtained in accordance with regulations issued under the Federal Alcohol Administration Act and submitted to the Government officer supervising operations of the plant, or to the district supervisor or other designated approving officer. Whenever bottled distilled spirits are dumped for rebottling, the red strip stamps on the bottles must be destroyed at the time of dumping, and new red strip stamps must be affixed to the bottles in which the spirits are rebottled.\*

**§ 189.111 Exchange and redemption of stamps.** Unused red strip stamps, in quantities of the value of \$5 or more, issued under section 203 of the Liquor Taxing Act of 1934 or subsection (b) of section 2803, Internal Revenue Code, may be exchanged for other stamps of the same kind and in any prescribed denomination, or the value thereof may be refunded, provided that a claim for such exchange or refund, establishing the lawful issuance and ownership of the stamps, is filed with the collector of internal revenue who issued the stamps (1) within two years after the date on which such stamps were lawfully issued or (2) if the stamps were lawfully issued prior to June 24, 1940, within two years from the latter date; or that such unused stamps may be destroyed in the presence of the Government officer and the proprietor thereby relieved from further accountability for the stamps. If the stamps are not surrendered to the collector for refund of their value or are not destroyed, the proprietor must account for the stamps each month by rendering Form 96, in duplicate, to the district supervisor. The officer shall make a notation on the receipt as to the disposition made or to be made of the stamps. One copy of the receipt will be delivered to the proprietor and the original and one copy will be delivered to the district supervisor, who will forward the original to the Commissioner.\* (Sec. 3, Act of June 24, 1940 (Public No. 654—76th Congress.))

**§ 189.153 Disposition of strip stamps.** All unused red strip stamps, if any, belonging to the proprietor at the time of permanent discontinuance of business will be inventoried by denomination, serial number, and quantity, by the storekeeper-gauger or other officer designated by the district supervisor to perform such duty. The officer will deliver such stamps to the proprietor and take his receipt therefor, in triplicate. When delivering the stamps the officer will advise the proprietor that the value of the stamps, if in quantities of the value of \$5 or more, may be refunded, provided that a claim for such refund on Form 843, establishing the lawful issuance and ownership of the stamps, is filed with the collector of internal revenue who issued the stamps (1) within two years after the date on which such stamps were lawfully issued or (2) if the stamps were lawfully issued prior to June 24, 1940, within two years from the latter date; or that such unused stamps may be destroyed in the presence of the Government officer and the proprietor thereby relieved from further accountability for the stamps. If the stamps are not surrendered to the collector for refund of their value or are not destroyed, the proprietor must account for the stamps each month by rendering Form 96, in duplicate, to the district supervisor. The officer shall make a notation on the receipt as to the disposition made or to be made of the stamps. One copy of the receipt will be delivered to the proprietor and the original and one copy will be delivered to the district supervisor, who will forward the original to the Commissioner.\* (Sec. 3, Act of June 24, 1940 (Public—No. 654—76th Congress.))

[SEAL] **TIMOTHY C. MOONEY,**  
*Acting Commissioner.*

Approved, August 7, 1940.

**JOHN L. SULLIVAN,**

*Acting Secretary of the Treasury.*

[F. R. Doc. 40-3337; Filed, August 10, 1940;  
10:03 a. m.]

**TITLE 30—MINERAL RESOURCES  
CHAPTER III—BITUMINOUS COAL  
DIVISION**  
[Order No. 301]

**REGISTERED DISTRIBUTORS AND REGISTERED  
FARMERS' COOPERATIVE ORGANIZATIONS  
DIRECTED TO FILE COPIES OF INVOICES  
AND CREDIT MEMORANDA**

Pursuant to the provisions of sections 4 II (a), 4 II (h) and 4 II (i) of the Act, and the Rules and Regulations for the Registration of Distributors and Bona Fide and Legitimate Farmers' Cooperative Organizations,\*

*It is ordered*, That each registered distributor and each registered farmers' cooperative organization, beginning with the effective date of minimum prices

\* 5 F.R. 2346, 2349.

and until further order of the Director, shall file, currently as issued, with the statistical bureau of the Division for the district in which the coal herein described is produced, a true copy of each invoice and credit memorandum issued by such registered distributor or registered farmers' cooperative organization on sales or other disposals of coals purchased by such distributor or farmers' cooperative organization from code members for resale and resold by them in not less than cargo or railroad carload lots, as these terms are defined in the Rules and Regulations for the Registration of Distributors.

*It is further ordered,* That all data filed in conformity to this Order, shall, to the extent provided in the Act, be held by the Division and its Statistical Bureaus as the confidential information of the person filing such information.

Dated, August 8, 1940.

[SEAL]

H. A. GRAY,  
Director.

[F. R. Doc. 40-3353; Filed, August 12, 1940;  
9:35 a. m.]

#### TITLE 37—PATENTS AND COPYRIGHTS

##### CHAPTER II—COPYRIGHT OFFICE

###### PART 201—REGISTRATION OF CLAIMS TO COPYRIGHT

###### JURISDICTION OVER COMMERCIAL PRINTS AND LABELS

Section 201.4 (e) (13) [Rule 18, Copyright Office Bulletin No. 15, edition of 1927] is hereby amended by substituting therefor the following:

"(e) By virtue of Public Act No. 244—Seventy-sixth Congress—approved July 31, 1939, jurisdiction over commercial prints and labels for the purpose of copyright registration was transferred to the Register of Copyrights effective July 1, 1940."

C. L. BOUVÉ,  
*Register of Copyrights.*

Approved,

V. W. CLAPP,  
*Acting Librarian of Congress.*

AUGUST 6, 1940.

[F. R. Doc. 40-3344; Filed, August 10, 1940;  
11:11 a. m.]

###### PART 201—REGISTRATION OF CLAIMS TO COPYRIGHT

###### APPLICATION FORMS

Section 201.12 [Rule 33, Copyright Office Bulletin No. 15, edition of 1927] is hereby amended as follows:

By inserting after the line reading "A5. Contribution to a newspaper or periodical," a line reading "A6. Serial republished as book with new matter.";

By inserting after the line reading "E2. Musical composition not reproduced for sale," a line reading "E3. Musical compo-

sition not reproduced for sale with new matter.";

By inserting after the line reading "R. Renewal of a copyright for 28 years," a line reading "RR. Renewal for commercial print or label."

C. L. BOUVÉ,  
*Register of Copyrights.*

Approved,

V. W. CLAPP,  
*Acting Librarian of Congress.*

AUGUST 6, 1940.

[F. R. Doc. 40-3345; Filed, August 10, 1940;  
11:12 a. m.]

#### PART 201—REGISTRATION OF CLAIMS TO COPYRIGHT

##### REGISTRATION FEE FOR COMMERCIAL PRINT OR LABEL

Section 201.21 [Rule 42, Copyright Office Bulletin No. 15, edition of 1927] is hereby amended as follows:

By adding to the first paragraph thereof, following the word "desired," a sentence reading: "The registration fee for a commercial print or label is \$6."

C. L. BOUVÉ,  
*Register of Copyrights.*

Approved,

V. W. CLAPP,  
*Acting Librarian of Congress.*

AUGUST 6, 1940.

[F. R. Doc. 40-3346; Filed, August 10, 1940;  
11:13 a. m.]

#### PART 201—REGISTRATION OF CLAIMS TO COPYRIGHT

##### RENEWAL FEE FOR COMMERCIAL PRINT OR LABEL

Section 201.24 (b) [Rule 50, Copyright Office Bulletin No. 15, edition of 1927] is hereby amended by adding as a part of the same paragraph the following sentence: "The renewal fee for a commercial print or label is \$6."

C. L. BOUVÉ,  
*Register of Copyrights.*

Approved,

V. W. CLAPP,  
*Acting Librarian of Congress.*

AUGUST 6, 1940.

[F. R. Doc. 40-3347; Filed, August 10, 1940;  
11:14 a. m.]

#### TITLE 46—SHIPPING

##### CHAPTER I—BUREAU OF MARINE INSPECTION AND NAVIGATION

[Order No. 46]

###### SUBCHAPTER K—SEAMEN

###### CERTIFICATE OF EFFICIENCY FOR LIFEBOAT MAN

AUGUST 9, 1940.

Subsection (a) of § 138.4 *Lifeboat Man*, is amended to read as follows:

(a) An applicant, to be eligible to sit for a certificate of efficiency as lifeboat

man, must furnish satisfactory evidence to the examiner that he has had the following experience:

First. Not less than 12 months' sea service in the deck department or not less than 24 months' sea service in the other departments on board vessels in ocean, lake, bay, or sound service; or

Second. A graduate of a schoolship approved by and conducted under rules prescribed by the Secretary of Commerce; or

Third. A graduate of the U. S. Naval Academy or the U. S. Coast Guard Academy; or

Fourth. An applicant who has satisfactorily completed the prescribed course of probationary training in the U. S. Maritime Service.

[Section 13, Act of March 4, 1915 as amended by section 1 (d) Act of June 25, 1936, 46 U.S.C. 672 (d)]

[SEAL] SOUTH TRIMBLE, JR.,  
*Acting Secretary of Commerce.*

[F. R. Doc. 40-3333; Filed, August 9, 1940;  
2:53 p. m.]

#### TITLE 50—WILDLIFE

##### CHAPTER I—FISH AND WILDLIFE SERVICE

###### SUBCHAPTER Q—ALASKA FISHERIES<sup>1</sup>

###### PART 211—PRINCE WILLIAM SOUND AREA FISHERIES

Section 211.13 (i), *Areas open to salmon traps*, is hereby amended to read as follows:

\* \* \* \* \*

(i) Southwest coast of Bligh Island (1) within 2,500 feet of a point at 60 degrees 48 minutes 56 seconds north latitude, 146 degrees 49 minutes 23 seconds west longitude, and (2) within 2,500 feet of a point at 60 degrees 48 minutes 23 seconds north latitude, 146 degrees 46 minutes 36 seconds west longitude. (Sec. 1, 44 Stat. 752; 48 U.S.C. 221)

HAROLD L. ICKES,  
*Secretary of the Interior.*

JULY 26, 1940.

[F. R. Doc. 40-3340; Filed, August 10, 1940;  
10:16 a. m.]

#### Notices

##### DEPARTMENT OF THE INTERIOR.

General Land Office.

###### AIR NAVIGATION SITE WITHDRAWAL NO. 88, REVOKED

JULY 25, 1940.

Under and pursuant to section 4 of the act of May 24, 1928, 45 Stat. 728, depart-

<sup>1</sup> Prior to the consolidation of the Bureau of Fisheries and the Bureau of Biological Survey on July 1, 1940, the codified Alaska fisheries regulations were designated as Chapter II—Bureau of Fisheries, Subchapter A—Alaska Fisheries.

## FEDERAL REGISTER, Tuesday, August 13, 1940

mental order of June 24, 1933, withdrawing the following-described land in Wyoming, for use by the Department of Commerce as an air navigation site, is hereby revoked:

*Sixth Principal Meridian*

T. 19 N., R. 95 W., sec. 4, NE $\frac{1}{4}$ , 160 acres.

OSCAR L. CHAPMAN,  
Assistant Secretary of the Interior.

[F. R. Doc. 40-3339; Filed, August 10, 1940;  
10:16 a. m.]

## AIR NAVIGATION SITE WITHDRAWAL NO. 143

JULY 31, 1940.

Executive Order No. 7515<sup>1</sup> of December 16, 1936, having been modified by Executive Order No. 8486<sup>2</sup> of July 16, 1940, to permit such withdrawal and use, it is ordered, under and pursuant to the provisions of section 4 of the act of May 24, 1928, 45 Stat. 728, 49 U.S.C., sec. 214, that the following-described public land in Arizona be, and it is hereby, withdrawn from all forms of appropriation under the public land laws, subject to valid existing rights, for use by the Department of Commerce in the maintenance of air navigation facilities:

*Gila and Salt River Meridian*

T. 1 N., R. 3 W., sec. 7, W $\frac{1}{2}$ , NE $\frac{1}{4}$ , E $\frac{1}{2}$ , NW $\frac{1}{4}$ , 160 acres.

OSCAR L. CHAPMAN,  
Assistant Secretary of the Interior.

[F. R. Doc. 40-3338; Filed, August 10, 1940;  
10:15 a. m.]

## Grazing Service.

## AMENDMENT OF RULES FOR THE ADMINISTRATION OF NEW MEXICO GRAZING DISTRICT 7

Pursuant to the provisions of the act of June 28, 1934 (48 Stat. 1269), as amended by the act of June 26, 1936 (49 Stat. 1976), and the act of July 14, 1939 (Pub. No. 173, 76th Cong.), the first paragraph of section 2, paragraph d, of the Rules for the Administration of New Mexico Grazing District No. 7,<sup>3</sup> approved September 1, 1939, is amended to read as follows:

*Range Conservation Committee; members; organization; duties and functions.* The range conservation committee is authorized to assist the regional grazier in the administration of the district, to establish proper cooperative relations with other interested Federal agencies, to review the recommendations of the district advisers and to perform such other duties relating to the management of the district as the Secretary of the Interior may direct. It shall consist of a representative of the Indian Service, nominated by the Commissioner of Indian Affairs, a representative of the Grazing Service, nominated by the Director of Grazing, a rep-

resentative of the Division of Investigations, nominated by the Director of that Division, and a representative of the Soil Conservation Service, Department of Agriculture, proposed by the Chief of that Service. The members of the range conservation committee after appointment by the Secretary of the Interior shall meet at the district headquarters when called in the discretion of the chairman after consultation with the regional grazier.

JULIAN TERRETT,  
*Acting Director.*

I concur:

JOHN COLLIER,  
*Commissioner of Indian Affairs.*

I concur:

B. B. SMITH,  
*Director,*  
*Division of Investigations.*

Approved, July 24, 1940.

W. C. MENDENHALL,  
*Acting Under Secretary*  
*of the Interior.*

[F. R. Doc. 40-3342; Filed, August 10, 1940;  
10:17 a. m.]

## MODIFICATION

## COLORADO GRAZING DISTRICTS NOS. 3 AND 4

JULY 31, 1940.

Under and pursuant to the provisions of the act of June 28, 1934 (48 Stat. 1269, 43 U. S. Code, sec. 315, *et seq.*), as amended, commonly known as the Taylor Grazing Act, the following-described lands, now embraced within Colorado Grazing District No. 4, are hereby excluded from Grazing District No. 4 and added to Colorado Grazing District No. 3, effective upon the date of publication of this order in the Federal Register:

## COLORADO

*New Mexico Principal Meridian*

Tps. 42 and 43 N., R. 6 W., those parts lying west of the divide and north of the San Juan National Forest;

- T. 38 N., R. 7 W., secs. 6 and 7;
- T. 39 N., R. 7 W., secs. 6, 7, 18, 19, 30, and 31;
- T. 40 N., R. 7 W., secs. 4 to 9, secs. 16 to 21, and secs. 28 to 33, inclusive;
- T. 41 N., R. 7 W., all;
- T. 42 N., R. 7 W., secs. 1 to 3 and secs. 9 to 36, inclusive;
- T. 43 N., R. 7 W., those parts of secs. 1, 12, 13, and 24 lying west of the divide, secs. 25, 35, and 36.

E. K. BURLEW,  
*Acting Secretary of the Interior.*

[F. R. Doc. 40-3341; Filed, August 10, 1940;  
10:17 a. m.]

## DEPARTMENT OF AGRICULTURE.

## Rural Electrification Administration.

[Administrative Order No. 493]

## ALLOCATION OF FUNDS FOR LOANS

AUGUST 2, 1940.

By virtue of the authority vested in me by the provisions of Section 4 of the

Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for a loan for the project and in the amount as set forth in the following schedule:

Project designation:	Amount
North Carolina 1037C1 Davie	\$101,000

[SEAL] HARRY SLATTERY,  
*Administrator.*

[F. R. Doc. 40-3332; Filed, August 9, 1940;  
1:57 p. m.]

## DEPARTMENT OF COMMERCE.

## Civil Aeronautics Board.

[Docket Nos. 1-401-B-1, 4-401-B-1,  
9-401-B-3]

IN THE MATTER OF THE APPLICATIONS OF BRANIFF AIRWAYS, INC., CHICAGO & SOUTHERN AIR LINES, INC., EASTERN AIR LINES, INC., FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY UNDER SECTION 401 OF THE CIVIL AERONAUTICS ACT OF 1938

## NOTICE OF ORAL ARGUMENT

The above-entitled proceeding, being the applications of Braniff Airways, Inc., Chicago & Southern Air Lines, Inc., and Eastern Air Lines, Inc., for certificates of public convenience and necessity authorizing air transportation between Houston, Memphis, and Louisville, is assigned for oral argument before the Board on September 19, 1940, 10 o'clock a. m. (Eastern Standard Time) in Room 5044 Commerce Bldg., Washington, D. C.

Dated Washington, D. C., August 8, 1940.

By the Board.

[SEAL] THOMAS G. EARLY,  
*Acting Secretary.*

[F. R. Doc. 40-3355; Filed, August 12, 1940;  
9:36 a. m.]

[Dockets Nos. 31-401-B-1 257]

IN THE MATTER OF THE APPLICATIONS OF WESTERN AIR EXPRESS CORPORATION, INLAND AIR LINES, INC., FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY UNDER SECTION 401 OF THE CIVIL AERONAUTICS ACT OF 1938

## NOTICE OF ORAL ARGUMENT

The above-entitled proceeding, involving the application of Western Air Express Corporation for certificate of public convenience and necessity authorizing air transportation between Great Falls, Mont., and Lethbridge, Alberta, Can., via Glacier National Park, (Browning) Mont., Docket No. 31-401-B-1, and the application of Inland Air Lines, Inc., for a certificate authorizing air transportation between Great Falls and Lethbridge, via Cut Bank-Shelby, Mont., Docket No. 257, is assigned for oral argument before the Board on September 5, 1940, 10 o'clock a. m. (Eastern Standard Time) in Room 5044 Commerce Building, Washington, D. C.

<sup>1</sup> 1 F.R. 2160.

<sup>2</sup> 5 F.R. 2607.

<sup>3</sup> 4 F.R. 3965.

Dated Washington, D. C., August 8, 1940.

By the Board.

[SEAL] THOMAS G. EARLY,  
Acting Secretary.

[F. R. Doc. 40-3354; Filed, August 12, 1940;  
9:36 a. m.]

## DEPARTMENT OF LABOR.

### Wage and Hour Division.

#### NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under Section 6 of the Fair Labor Standards Act of 1938 are issued under Section 14 of the said Act and § 522.5 of Regulations Part 522 as amended, to the employers listed below effective August 13, 1940. These Certificates may be canceled in the manner provided for in the Regulations and as indicated in the Certificate. Any person aggrieved by the issuance of any of these Certificates may seek a review of the action taken in accordance with the provisions of §§ 522.13 or 522.5 (b), whichever is applicable of the aforementioned Regulations.

The employment of learners under these Certificates is limited to the occupations, learning periods, and minimum wage rates specified in the Determination or Order for the Industry designated below opposite the employer's name and published in the FEDERAL REGISTER as here stated:

Regulations, Part 522, May 23, 1939 (4 F.R. 2088), and as amended October 12, 1939 (4 F.R. 4226).

Hosiery Order, August 22, 1939 (4 F.R. 3711).

Apparel Order, October 12, 1939 (4 F.R. 4225).

Knitted Wear Order, October 24, 1939 (4 F.R. 4351).

Textile Order, November 8, 1939 (4 F.R. 4531), as amended, April 27, 1940 (5 F.R. 1586).

Glove Order, February 20, 1940 (5 F.R. 714).

#### NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS, AND EXPIRATION DATE

Berwick Shirt Company, Tenth and Pine Streets, Berwick, Pennsylvania; Apparel; Shirts; 5 percent; October 24, 1940. (75% of the applicable hourly minimum wage).

Friedman-Marks Clothing Co., Inc., 1408 West Marshall Street, Richmond, Virginia; Apparel; Men's Suits; 5 percent (75% of the applicable hourly minimum wage); October 24, 1940.

Hollywood Knitting Mills, Inc., 425 East Pico Street, Los Angeles, California; Knitted Wear; Sweaters and two-piece suits; 10 learners (25¢ per hour); October 24, 1940.

J and C Cottons, Ellijay, Georgia; Textile; Cotton Fiber; 10 learners; October 24, 1940.

Pawtucket Standard Braid Company, 120 Webster Street, Pawtucket, Rhode Island; Textile; Cotton and Rayon Braiding; 3 learners; October 24, 1940.

Virginia Mills, Inc., Swepsonville, North Carolina; Textile; Rayon Crepes; 3 percent; October 24, 1940.

Signed at Washington, D. C., this 12th day of August 1940.

GUSTAV PECK,  
Authorized Representative  
of the Administrator.

[F. R. Doc. 40-3361; Filed, August 12, 1940;  
11:55 a. m.]

#### NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum rate applicable under Section 6 of the Fair Labor Standards Act of 1938 are issued pursuant to section 14 of the said Act and § 522.5 (b) of Regulations Part 522 (4 F.R. 2088), as amended (4 F.R. 4226), to the employers listed below effective August 13, 1940. These Certificates are issued upon their representations that experienced workers for the learner occupations are not available and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. These Certificates may be canceled in the manner provided for in § 522.5 (b) of the Regulations and as indicated on the Certificate. Any person aggrieved by the issuance of any of these Certificates may seek a review of the action taken in accordance with the provisions of § 522.5 (b). The employment of learners under these Certificates is limited to the terms and conditions as designated opposite the employer's name.

#### NAME AND ADDRESS OF FIRM, PRODUCT, NUMBER OF LEARNERS, LEARNING PERIOD, LEARNER WAGE, LEARNER OCCUPATIONS, EXPIRATION DATE

Coleman-Meadows-Pate Drug Company, Macon, Georgia; Wholesale Druggists; 1 learner; 6 weeks for any one learner; 22½¢ per hour; Stock Clerk; September 24, 1940.

The News Publishing Company, 1309 C Street, Galveston, Texas; Newspapers (publishing); 1 learner; 8 weeks for any one learner; 22½¢ per hour; reporter; October 8, 1940.

Signed at Washington, D. C., this 12th day of August 1940.

GUSTAV PECK,  
Authorized Representative  
of the Administrator.

[F. R. Doc. 40-3362; Filed, August 12, 1940;  
11:55 a. m.]

## FEDERAL POWER COMMISSION.

[Docket No. IT-5600]

### IN THE MATTER OF SOUTHERN KRAFT CORPORATION

#### ORDER POSTPONING HEARING

AUGUST 8, 1940.

Commissioners: Leland Olds, Chairman; Claude L. Draper, Basil Manly, John W. Scott and Clyde L. Seavey, not participating.

It appearing to the Commission that:

(a) By order dated June 11, 1940,<sup>1</sup> it provided that a public hearing in the matter of Southern Kraft Corporation (Docket No. IT-5600) be held commencing at 10 a. m. on September 9, 1940, in the Hearing Room of the Commission, 1800 Pennsylvania Avenue NW., Washington, D. C.;

(b) It is desirable that the aforesaid public hearing be postponed to commence at 10 a. m., September 10, 1940, in the same place;

The Commission orders that:

The aforesaid public hearing in the matter of Southern Kraft Corporation (Docket No. IT-5600) be and it is hereby postponed to commence at 10 a. m., September 10, 1940, in the Hearing Room of the Commission, 1800 Pennsylvania Avenue NW., Washington, D. C.

By the Commission.

J. H. GUTRIDE,  
Acting Secretary.

[F. R. Doc. 40-3352; Filed, August 12, 1940;  
9:35 a. m.]

[Docket No. IT-5601]

### IN THE MATTER OF METROPOLITAN EDISON COMPANY

#### ORDER POSTPONING HEARING

AUGUST 8, 1940.

Commissioners: Leland Olds, Chairman; Claude L. Draper, Basil Manly, John W. Scott and Clyde L. Seavey, not participating.

It appearing to the Commission that:

(a) By order dated June 11, 1940,<sup>2</sup> it provided that a public hearing in the matter of Metropolitan Edison Company (Docket No. IT-5601) be held commencing at 10 a. m., on September 9, 1940, in

<sup>1</sup> 5 F.R. 2232.

<sup>2</sup> 5 F.R. 2233.

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the hearing Room of the Commission, 1800 Pennsylvania Avenue NW., Washington, D. C.;

(b) It is desirable that the aforesaid public hearing be postponed to commence at 10 a. m., September 10, 1940, in the same place;

The Commission orders that:

The aforesaid public hearing in the matter of Metropolitan Edison Company (Docket No. IT-5601) be and it is hereby postponed to commence at 10 a. m., September 10, 1940, in the Hearing Room of the Commission, 1800 Pennsylvania Avenue NW., Washington, D. C.

By the Commission.

[SEAL]

J. H. GUTRIDE,  
Acting Secretary.

[F. R. Doc. 40-3351; Filed, August 12, 1940;  
9:35 a. m.]

## FEDERAL SECURITY AGENCY.

Social Security Board.

## CERTIFICATION TO THE UNEMPLOYMENT COMPENSATION COMMISSION OF THE STATE OF KENTUCKY

The Unemployment Compensation Commission of the State of Kentucky having duly submitted to the Social Security Board, pursuant to the provisions of section 1602 (b) (3) of the Internal Revenue Code, as amended, the Kentucky Unemployment Compensation Law, as amended; and

The Social Security Board having considered the provisions of said law to determine whether or not reduced rates of contributions are allowable thereunder under conditions fulfilling the requirements of section 1602 of the Internal Revenue Code;

The Board hereby finds that:

(1) Said law provides for reserve accounts as defined in section 1602 (c) (1) of the Internal Revenue Code; and

(2) Reduced rates of contributions under said law to such reserve accounts are allowable only in accordance with the provisions of section 1602 (a) (3) of the Internal Revenue Code.

Pursuant to the provisions of section 1602 (b) (3) of the Internal Revenue Code, the Board hereby directs that the foregoing findings be certified to the Unemployment Compensation Commission of the State of Kentucky: *Provided, however,* That said findings shall not be construed to be applicable with respect to the provisions of section 1602 (a) (3) of the Internal Revenue Code, as amended, effective January 1, 1942.

SOCIAL SECURITY BOARD

[SEAL] A. J. ALTMAYER, Chairman.

JULY 23, 1940.

Approved:

WAYNE COY,  
Acting Administrator.

AUGUST 7, 1940.

[F. R. Doc. 40-3335; Filed, August 10, 1940;  
8:51 a. m.]

## FEDERAL TRADE COMMISSION.

[Docket No. 4229]

IN THE MATTER OF HARRY M. BITTERMAN, INC., ( CORPORATION; HARRY M. BITTERMAN, INDIVIDUALLY AND AS PRESIDENT AND AS ONE OF THE DIRECTORS OF HARRY M. BITTERMAN, INC.; HERMAN BITTERMAN, INDIVIDUALLY AND AS SECRETARY-TREASURER OF HARRY M. BITTERMAN, INC.; IRVING DASH, INDIVIDUALLY AND AS OFFICE MANAGER OF HARRY M. BITTERMAN, INC.; I. AND A. BERGER, INC., A CORPORATION; B. ORDOVER & SONS, INC., A CORPORATION; ARTHUR PETRAS, PETER PETRAS AND GEORGE ALVERAS, COPARTNERS DOING BUSINESS UNDER THE FIRM NAME AND STYLE OF PETRAS, PETRAS & CO.; AND MORRIS MINSK, AN INDIVIDUAL

## COMPLAINT

Pursuant to the provisions of an Act of Congress, approved October 15, 1914, entitled "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes", commonly known as the Clayton Act (U.S.C. Title 15, Section 13), as amended by an Act of Congress, approved June 19, 1936, commonly known as the Robinson-Patman Act, the Federal Trade Commission, having reason to believe that the parties respondent named in the caption hereof and hereinafter more particularly designated and described, since June 19, 1936, have been and are now violating the provisions of subsection (c) of Section 2 of said Act as amended, issues its complaint against said respondents and states its charges with respect thereto as follows, to wit:

PARAGRAPH 1. Respondent Harry M. Bitterman, Inc. (hereinafter referred to as "Bitterman, Inc.") is a corporation organized and existing under the laws of the State of New York, with its office and principal place of business located at 151 W. 40th Street, New York City, New York.

PAR. 2. Respondents Harry M. Bitterman, Herman Bitterman and Irving Dash are the President, Secretary-Treasurer, and office manager, respectively of the respondent Bitterman, Inc. Harry M. Bitterman is a director of Bitterman, Inc.

PAR. 3. Respondent I. and A. Berger, Inc. is a corporation organized and existing under the laws of the State of New York with its principal office and place of business at 150 W. 30th Street, New York City, New York.

Respondent B. Ordoover & Sons, Inc. is a corporation organized and existing under the laws of the State of New York with its principal office and place of business at 150 W. 30th Street, New York City, New York.

Respondents Arthur Petras, Peter Petras and George Alveras are co-partners doing business under the firm name and style of Petras, Petras & Co. and have their principal office and place of business at 249 W. 29th Street, New York City, New York.

Morris Minsk is an individual doing business under his own name with his principal office and place of business at 352 Seventh Avenue, New York City, New York.

The respondents named in this paragraph will hereinafter be referred to as "seller respondents."

PAR. 4. On and for many years prior to June 19, 1936, and until on or about January 1, 1938, Harry Bitterman was engaged and from on or about January 1, 1938, Bitterman, Inc. has been and is now engaged in the business of purchasing fur garments for a number of corporations, partnerships and individuals. These corporations, partnerships and individuals (hereinafter collectively referred to as "buyers") operate retail establishments in which fur garments and other commodities are sold. Most of these buyers are located and do business in some state other than the State of New York.

Each of said buyers is and for several years last past has been engaged in the business of buying fur garments in interstate commerce from numerous manufacturers and other sellers of such merchandise, including the seller respondents named in Paragraph Three hereof.

PAR. 5. Each of the seller respondents named in Paragraph Three hereof is and for several years last past has been engaged in the business of selling fur garments in interstate commerce to the buyers referred to in Paragraph Four hereof, and to numerous other customers.

Said seller respondents are fairly typical and representative members of a large group or class of fur manufacturers and sellers engaged in selling their fur garments in interstate commerce to the buyers referred to in Paragraph Four hereof, and to numerous other customers. The fur garment manufacturers and sellers comprising said group or class are too numerous to be specifically named as respondents herein or to be brought before the Commission in this proceeding without manifest inconvenience and delay. Each of such manufacturers and sellers, in selling to buyers who purchase through Harry Bitterman or Bitterman, Inc., has been and is engaged in practices similar to those hereinafter charged against the seller respondents.

PAR. 6. In the course and conduct of his business aforesaid, from June 19, 1936, to on or about January 1, 1938, Harry Bitterman received and, in the course and conduct of its business aforesaid, from on or about January 1, 1938, to the present time, Bitterman, Inc. received and now receives orders from the buyers aforementioned to purchase commodities, particularly fur garments, and transmitted or transmits such orders to and executes or executes the same with the aforesaid seller respondents and other sellers. As a result of the transmission of said orders by such buyers to Harry M. Bitterman or to Bitterman, Inc., the execution of same by said Harry M. Bitterman or by Bitterman, Inc. at the instance and request of said buyers

and the acceptance of some of said orders by said respondent sellers or one or more of them goods, wares and merchandise, particularly fur garments, were or are, in the case of each such order, sold or delivered by one or more of said seller respondents to one or more of the said buyers. By such means and in the manner aforesaid, Harry M. Bitterman and Bitterman, Inc., acting for and in behalf of the said buyers, caused or now cause the above named seller respondents to ship the said commodities, particularly fur garments, from the state in which such merchandise was located at the time of sale into and through various other states of the United States directly to the said buyers in the states of their respective locations.

Respondent Bitterman, Inc. carried through and performed the operations and activities referred to through respondents Harry and Herman Bitterman and Irving Dash, its officers and employees.

The estimated annual volume of purchases negotiated by Harry M. Bitterman or by Bitterman, Inc., as aforesaid, for each of the years 1937, 1938 and 1939 from all seller respondents and other sellers has been approximately \$200,000. In all of said transactions Harry M. Bitterman and Bitterman, Inc. and the other respondents herein named as officers and employees of said Bitterman, Inc., and each of them, were acting in fact for or in behalf of the buyers hereinbefore mentioned and were generally rendering to such buyers all of the services that are customarily rendered by a buying agent to and for his principals.

PAR. 7. In the course and conduct of the commerce hereinabove described, the seller respondents paid to Harry M. Bitterman and paid and are now paying to Bitterman, Inc. brokerage fees and commissions, amounting to a certain percentage, customarily 5%, of the sales prices of the goods sold by seller respondents to buyers and, while acting in fact as intermediary for and in behalf of the buyers in the transmittal and execution of the aforesaid buying orders and otherwise, Harry M. Bitterman received and accepted and, while so acting, Bitterman, Inc. received and accepted and now receives and accepts brokerage fees and commissions from the seller respondents and other sellers.

PAR. 8. The payment by seller respondents of brokerage fees and commissions to Harry M. Bitterman and to Bitterman, Inc., under the circumstances hereinabove set forth, were and are in violation of the provisions of Section 2, subsection (c) of the Act described in the preamble hereof. The receipt and acceptance from seller respondents and other sellers of said brokerage fees and commissions by Harry M. Bitterman and by Bitterman, Inc., under the circumstances hereinabove set forth, were and are likewise in violation of the terms of said statute.

Wherefore, the premises considered, the Federal Trade Commission on this 8th day of August, 1940, issues its complaint against said respondents.

#### NOTICE

Notice is hereby given you and each of you, the respondents named in the caption of the above complaint, that the 13th day of September, 1940, at 2 o'clock in the afternoon, is hereby fixed as the time, and the offices of the Federal Trade Commission in the City of Washington, D. C., as the place, when and where a hearing will be had on the charges set forth in this complaint, at which time and place you will have the right, under said Act, to appear and show cause why an order should not be entered by said Commission requiring you to cease and desist from the violations of the law charged in the complaint.

You are notified and required, on or before the twentieth day after service upon you of this complaint, to file with the Commission an answer to the complaint. If answer is filed and if your appearance at the place and on the date above stated be not required, due notice to that effect will be given you. The Rules of Practice adopted by the Commission with respect to answers or failure to appear or answer (Rule IX) provide as follows:

In case of desire to contest the proceeding the respondent shall, within twenty (20) days from the service of the complaint, file with the Commission an answer to the complaint. Such answer shall contain a concise statement of the facts which constitute the ground of defense. Respondent shall specifically admit or deny or explain each of the facts alleged in the complaint, unless respondent is without knowledge, in which case respondent shall so state.

\* \* \* \* \*

Failure of the respondent to file an answer within the time above provided and failure to appear at the time and place fixed for hearing shall be deemed to authorize the Commission, without further notice to respondent, to proceed in regular course on the charges set forth in the complaint.

If respondent desires to waive hearing on the allegations of fact set forth in the complaint and not to contest the facts, the answer may consist of a statement that respondent admits all the material allegations of fact charged in the complaint to be true. Respondent by such answer shall be deemed to have waived a hearing on the allegations of fact set forth in said complaint and to have authorized the Commission, without further evidence, or other intervening procedure, to find such facts to be true, and if in the judgment of the Commission such facts admitted constitute a violation of law or laws as charged in the complaint, to make and serve findings as to the facts and an order to cease and desist from such violations. Upon application in

writing made contemporaneously with the filing of such answer, the respondent, in the discretion of the Commission, may be heard on brief, in oral argument, or both, solely on the question as to whether the facts so admitted constitute the violation or violations of law charged in the complaint.

In witness whereof, the Federal Trade Commission has caused this, its complaint, to be signed by its Secretary, and its official seal to be hereto affixed, at Washington, D. C., this 8th day of August, A. D. 1940.

By the Commission.

[SEAL]

OTIS B. JOHNSON,  
Secretary.

[F. R. Doc. 40-3349; Filed, August 10, 1940;  
11:34 a. m.]

#### SECURITIES AND EXCHANGE COMMISSION.

[File No. 79-56]

IN THE MATTER OF NORTH AMERICAN GAS

AND ELECTRIC COMPANY

ORDER WITHDRAWING APPLICATION AND  
RESCINDING ORDER

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 8th day of August, A. D. 1940.

The Commission having on June 26, 1940 issued an order approving the expenditure of the sum of \$10,050.71 for the acquisition for retirement by invitations for tenders a portion of the outstanding 6% Cumulative Debentures of North American Gas and Electric Company, a registered holding company; said order having issued subject to certain conditions set forth therein; Rule U-12C-1 promulgated under the Public Utility Holding Company Act of 1935 having been amended subsequent to the issuance of said order and prior to any action having been taken in this matter by said North American Gas and Electric Company;

Said North American Gas and Electric Company having filed a request for withdrawal of its application and a rescission of said order approving said application; said request for withdrawal having stated that said North American Gas and Electric Company desires to purchase said debentures under the provisions of the rule as now existing rather than pursuant to said order; and said request for withdrawal having set forth the steps which are proposed to be taken to comply with the terms and conditions of said order as originally issued;

*It is ordered*, That the Commission hereby permits the withdrawal of said application and hereby rescinds said order of June 26, 1940; *Provided*, however, That said transactions be carried out in accordance with the terms and for the

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purposes represented by said request for withdrawal.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 40-3359; Filed, August 12, 1940;  
11:33 a. m.]

[File Nos. 37-52, 37-53, 37-47]

**IN THE MATTER OF EMPLOYEES WELFARE ASSOCIATION, INC. (N. J.), EMPLOYEES WELFARE ASSOCIATION, INC. (DEL.), TRUSTEES UNDER PENSION TRUST AGREEMENT DATED DECEMBER 14, 1937 (AS AMENDED)**

**ORDER CONSOLIDATING PROCEEDINGS AND NOTICE OF AND ORDER FOR HEARING**

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 9th day of August, A. D. 1940.

A declaration pursuant to the Public Utility Holding Company Act of 1935 has been duly filed with this Commission by the above-named Employees Welfare Association, Inc. (N. J.);

The matter concerned herewith is in regard to a declaration by Employees Welfare Association, Inc. (N. J.), a subsidiary of Associated Gas and Electric Company, a registered holding company, and an affiliate of New England Gas and Electric Association, a registered holding company, with respect to the organization and conduct of business as a subsidiary service company. The declarant requests an order under the last sentence of Section 2 (b) of the Act revoking an order of the Commission dated April 14, 1939, declaring Employees Welfare Association, Inc. (Del.) to be a subsidiary of Associated Gas and Electric Company and an affiliate of New England Gas and Electric Association or, in the alternative, declaring that the Employees Welfare Association, Inc. (N. J.) is not a service company under Section 13 (b) or other provisions of the Act or, in the alternative, finding and declaring pursuant to

Rule 13-22 (d) that the organization and conduct of the business of Employees Welfare Association, Inc. (N. J.) meet the requirements of Section 13 (b) of the Act.

A declaration pursuant to the Public Utility Holding Company Act of 1935 has been duly filed with this Commission by the above-named Employees Welfare Association, Inc. (Del.);

The matter concerned herewith is in regard to a declaration by Employees Welfare Association, Inc. (Del.), a subsidiary of Associated Gas and Electric Company, and an affiliate of New England Gas and Electric Association or, in the alternative, declaring that the Employees Welfare Association, Inc. (Del.) is not a service company under Section 13 (b) or other provisions of the Act or, in the alternative, finding and declaring pursuant to Rule 13-22 (d) that the organization and conduct of the business of Employees Welfare Association, Inc. (Del.) meet the requirements of Section 13 (b) of the Act.

It appears to the Commission that the declaration of Employees Welfare Association, Inc. (N. J.) and the declaration of Employees Welfare Association, Inc. (Del.) present common questions of law and fact with each other and with the declaration which has been filed by the above-named Trustees Under Pension Trust Agreement Dated December 14, 1937 (As Amended), a subsidiary of Associated Gas and Electric Company, a registered holding company, and an affiliate of New England Gas and Electric Association, a registered holding company,

with respect to the organization and conduct of the business of a subsidiary service company.

*It is ordered*, That the proceedings on the declaration of Employees Welfare Association, Inc. (N. J.), the proceedings on the declaration of Employees Welfare Association, Inc. (Del.) and the proceedings on the declaration of Trustees Under Pension Trust Agreement Dated December 14, 1937 (As Amended) be consolidated.

*It is further ordered*, That a hearing on such matter under the applicable provisions of said Act and the rules of the Commission thereunder be held on August 26, 1940, at 10:00 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW, Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

*It is further ordered*, That Charles S. Moore, or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceedings may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before August 21, 1940.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 40-3360; Filed, August 12, 1940;  
11:33 a. m.]